

Message Text

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ACTION IO-14

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TO SECSTATE WASHDC 9824
INFO USMISSION GENEVA
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 00738

GENEVA FOR CCD DEL

E.O. 11652:GDS
TAGS: PARM, UNGA, US
SUBJECT: SSOD: THE MACHINERY ISSUE -- PRESERVING CONSENSUS

REF: USUN 0680

SUMMARY: USUN WRAP-UP OF SPECIAL SESSION ON DISARMAMENT
PREPCOM IV (REFTEL, PARA 10) NOTES THAT THE NON-ALIGNED
AND THE FRENCH HAVE PUT FORWARD PROPOSALS TO MODIFY OR
REPLACE THE CCD BY BRINGING IT OR A SUCCESSOR BODY INTO
A MUCH CLOSER RELATIONSHIP WITH THE UN. AN ESSENTIAL
QUESTION AFFECTING THE US VIEW OF THESE PROPOSALS IS
WHETHER THE CCD'S CONSENSUS PROCEDURE COULD BE RETAINED
IN A MODIFIED CCD OR SUCCESSOR BODY WHICH OWED ITS
EXISTENCE TO THE UN GENERAL ASSEMBLY. THIS MESSAGE RE-
CALLS THE ARRANGEMENTS AND NEGOTIATIONS LEADING TO
ACCEPTANCE OF THE CONSENSUS PROCEDURE IN THE UN OUTER
SPACE COMMITTEE, AND PROVIDES USUN ASSESSMENT THAT THE US
COULD SEEK TO NEGOTIATE A PARALLEL CONSENSUS PROCEDURE
FOR A UN-LINKED MULTILATERAL NEGOTIATING FORUM.
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END SUMMARY.

1. AS A GENERAL MATTER THE RULES OF PROCEDURE OF THE
GA APPLY TO SUBSIDIARY BODIES ESTABLISHED BY THE ASSEMBLY;
THE MAJORITY VOTING REQUIREMENT SET FORTH IN GA RULE 125,
WHICH STATES THAT "DECISIONS OF COMMITTEE SHALL BE MADE
BY A MAJORITY OF THE MEMBERS PRESENT AND VOTING", THUS

APPLIES. HOWEVER, IN CERTAIN PROMINENT AND EXCEPTIONAL CASES, THE GA HAS CREATED A NEW SUBSIDIARY BODY WITH THE ANTICIPATION THAT THAT BODY WAS NOT GOING TO TAKE DECISIONS BY MAJORITY VOTE. IN AT LEAST ONE RELEVANT INSTANCE THE NECESSARY AGREEMENT THAT ENABLED THE GA TO ESTABLISH THE NEW BODY WOULD NEVER HAVE COME ABOUT EXCEPT FOR THE KNOWLEDGE ON ALL SIDES THAT A PROCEDURE WOULD HAVE TO BE DEVELOPED IN ORDER THAT DECISION-MAKING SHOULD BE RELIABLY ACCOMPLISHED BY CONSENSUS, RATHER THAN THROUGH RECOURSE TO VOTING. THE CASE IN POINT IS THE DECISION BY THE UNGA IN AUTUMN 1961 TO TRANSFORM THE SOVIET-BOYCOTTED 24-MEMBER COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE INTO A VIABLE AND PRO-DUCTIVE 28-MEMBER BODY WITH SOVIET AND EAST EUROPEAN PARTICIPATION. (THE SOVIETS HAD BOYCOTTED THE COMMITTEE FROM 1959-1961 PRINCIPALLY ON THE GROUND THAT THE OLD COMMITTEE HAD HAD TOO MUCH WESTERN AND TOO LITTLE EASTERN REPRESENTATION.

2. BY 1961 BOTH THE US AND USSR HAD CONCLUDED THAT THEIR INTERESTS, INCLUDING FREEDOM OF ACTION IN SPACE, COULD BE PROTECTED ONLY IF THE NEW 28-MEMBER COMMITTEE WOULD. TAKE ITS DECISIONS WITH THEIR AGREEMENT OR ACQUIESCENCE. IN PREPARING FOR THE 1961 NEGOTIATIONS TO END THE SOVIET BOYCOTT, THE US AND THE USSR TREATED DECISION-MAKING IN THE NEW COMMITTEE AS A FUNDAMENTAL ISSUE, ALONG WITH CONFIDENTIAL

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SUCH OTHER MATTERS AS COMPOSITION OF THE COMMITTEE, ON THE ONE HAND, AND CHAIRMANSHIP AND RELATED BUREAU QUESTIONS, ON THE OTHER.

3. ON NOVEMBER 27, 1961 THE USSR APPEARED AT A SPECIALLY CALLED MEETING OF THE EXISTING 24-MEMBER BODY AND, ABIDING BY A SCENARIO WORKED OUT IN US-USSR-NON-ALIGNED NEGOTIATIONS, AGREED TO ELECT A CHAIRMAN AND BUREAU. (AUSTRIA CHAIRMAN; ROMANIA VICE-CHAIRMAN; BRAZIL RAPPORTEUR) AND TO RECOMMEND THAT THE COMMITTEE BE EXPANDED. INTO A COMMITTEE OF 28. A MONTH LATER, ON 20 DECEMBER, THE GA ADOPTED A RESOLUTION EXPANDING THE COMMITTEE (RES 1721 (XVI)).

4. THE OUTER SPACE COMMITTEE WITH ITS NEW COMPOSITION AND NEW BUREAU DID NOT MEET UNTIL SUBSEQUENT US-USSR NEGOTIATIONS HAD CRYSTALLIZED AN AGREED ARRANGEMENT ON DECISION-MAKING AND THE ACQUIESCENCE OF OTHER MEMBERS OF THE COMMITTEE HAD BEEN OBTAINED. AT ITS FIRST MEETING, ON MARCH 19 1962, THE COMMITTEE THUS HEARD A STATEMENT READ OUT INTO THE VERBATIM RECORD BY ITS CHAIRMAN, AUSTRIAN AMB MATSCH, STATING THAT ALL MEMBERS HAD AGREED TO

TRY TO REACH AGREEMENT WITHOUT THE NEED FOR VOTING. THE
RECORD READS:

- THE CHAIRMAN. IN CONNECTION WITH THIS ITEM
 - OF OUR AGENDA, I SHOULD NOW LIKE TO DRAW THE
 - ATTENTION OF THE COMMITTEE TO THE FOLLOWING
 - POINTS CONNECTED WITH THE CONDUCT OF OUR
 - BUSINESS. IN THE FIRST PLACE, I SHOULD LIKE
 - TO PLACE ON RECORD THAT THROUGH INFORMAL CON-
 - SULTATIONS IT HAS BEEN AGREED AMONG THE MEMBERS
 - OF THE COMMITTEE THAT IT WILL BE THE AIM OF ALL
 - MEMBERS OF THE COMMITTEE AND ITS SUB-COMMITTEES
 - TO CONDUCT THE COMMITTEE'S WORK IN SUCH A
 - WAY THAT THE COMMITTEE WILL BE ABLE TO REACH
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INFO OCT-01 ISO-00 ACDA-12 SOE-02 AF-10 ARA-10 CIAE-00
DODE-00 EA-10 EUR-12 PM-05 H-01 INR-10 L-03
NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01
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C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 00738

GENEVA FOR CCD DEL

- AGREEMENT IN ITS WORK WITHOUT NEED FOR VOTING.
- UNLESS I HEAR ANY OBJECTION, I WOULD SAY
- THAT THE COMMITTEE AGREES TO THIS PROCEDURE
- WHICH IS ON THE VERBATIM RECORD. AS I DO NOT
- HEAR ANY OBJECTION, IT IS SO AGREED."

- "IT WAS SO DECIDED. (A/AC.105/PV.2,P.5)

5. THE OUTER SPACE COMMITTEE, ITS LEGAL AND ITS SCIENTIFIC AND TECHNICAL SUBCOMMITTEES, AND SPECIAL AD HOC GROUPS ON NAVIGATION, DIRECT TELEVISION BROADCAST AND REMOTE SENSING HAVE HELD HUNDREDS OF MEETINGS IN THE 16 YEARS OF THEIR EXISTENCE. ITS DEBATES AND ACTIONS HAVE TOUCHED ON ISSUES OF SUCH FUNDAMENTAL IMPORTANCE TO THE US AS ORBITING NUCLEAR AND OTHER MASS DESTRUCTION WEAPONS AND OBSERVATION FROM SPACE. MOREOVER WITH GROWING COMPETENCE IN SPACE AND SPACE-RELATED ACTIVITIES BY MANY CEASED TO HAVE EXCLUSIVE INTERESTS IN SPACE MATTERS. YET CEASED TO HAVE EXCLUSIVE INTERESTS IN SPACE MATTERS. YET DESPITE OCCASIONAL MURMERS WHEN PROGRESS HAS BEEN SLOW, CONFIDENTIAL

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THE COMMITTEE HAS ALWAYS PROCEEDED BY CONSENSUS -- NOT ONLY ON MATTERS OF SUBSTANCE BUT OF PROCEDURE AS WELL. 6. THE RECORD OF THE OUTER SPACE COMMITTEE THUS SHOWS THAT IT IS POSSIBLE FOR A BODY ESTABLISHED BY THE GA TO FOREGO VOTING FROM ITS INCEPTION, TO ADHERE TO ITS CONSENSUS STANCE, AND TO PRODUCE EXTREMELY USEFUL WORK BY CONSENSUS (THE OUTER SPACE TREATY, ETC.). IF OTHER FACTORS WERE TO LEAD THE US TO SUPPORT THE FRENCH PROPOSAL FOR BRINGING THE CCD INTO A MORE FORMAL RELATIONSHIP WITH THE UN, THERE IS NO REASON WHY A PARALLEL CONSENSUS PROCEDURE COULD NOT BE A PART OF THE TRANSFORMATION OF THE CCD AND THUS PROVIDE THE SAME PROTECTION AGAINST POTENTIAL ADVERSE MAJORITY DECISION-MAKING WHICH THE PRACTICE OF THE CCD AND OUTER SPACE COMMITTEE HAVE LONG FURNISHED. IN EACH CASE THE UNARTICULATED THREAT THAT REPUDIATION OF CONSENSUS WOULD LIKELY LEAD TO US AND/OR SOVIET WITHDRAWAL HAS BEEN AN IMPORTANT ELEMENT ASSURING CONTINUING ADHERENCE TO CONSENSUS BY OTHERS. THAT SAME ELEMENT WOULD OFFER REASONABLE GUARANTEE IN THE CASE OF A TRANSFORMED CCD, IF SUCH A TRANSFORMATION WERE TO PROVE DESIRABLE. YOUNG

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Message Attributes

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